

**AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office AUG 27 2003Returned to applicant for correction SEP 05 2003Corrected application filed SEP 12 2003Map filed SEP 12 2003

The applicant **Columbus S.M. LLC** hereby makes application for permission to change the **Point of Diversion of a portion of water** heretofore appropriated under **Permit No. 64852**

1. The source of water is **underground**
2. The amount of water to be changed **1.0 cfs**
3. The water to be used for **Mining**
4. The water heretofore permitted for **Mining**
5. The water is to be diverted at the following point **within the SW¼ of the NE¼ of Section 17, T.3N., R.36E., M.D.M., or at a point from which the northeast corner of said Section 17 bears North 45°40'00" East a distance of 2800 feet.**
6. The existing permitted point of diversion is located within the **NE¼ of the NE¼ of Section 17, T.3N., R.36E., M.D.M., or at a point from which the northeast corner of said Section 17 bears North 57°16'00" East a distance of 1165 feet.**
7. Proposed place of use **Portions of the NE¼ of Section 17, T.3N., R.36E., M.D.M..**
8. Existing place of use **(place of use is unchanged)**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Drilled and cased wells. Pump & motor and distribution system.**
12. Estimated cost of works **\$500,000.00**
13. Estimated time required to construct works **3 years**
14. Estimated time required to complete the application of water to beneficial use **2 years**
15. Remarks: **Applicant desires a second well to supply water needs for CAC03 & MG(OH)2 extraction process. Please refer to map accompanying Permit No. 44472 for existing point of diversion.**

By **s/George G. Lindesmith**
George G. Lindesmith
Tri State Surveying 1925 E. Prater Way
Sparks, Nevada 89434

Compared sg/sam ag/ cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 64852 is issued subject to the terms and conditions imposed in said Permit 64852 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the groundwater basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The State Engineer retains the right to regulate pumping from the mining project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights.

No water from this mining operation will be discharged to any natural surface drainages, surface playa or unlined impoundments unless specifically approved by the State Engineer.

The State Engineer will retain the right to require additional monitoring including water levels in observation and monitor wells and of the flow rates of surface sources. The permittee, on a schedule acceptable to the State Engineer, shall prepare and present an update on the activities of the mine and the monitoring on a periodic basis, but not less than two times per year.

Monthly records will be kept and submitted quarterly for the following: the volume of water pumped from each well, the volume of water consumptively used for mining uses projectwide and the water level (static or pumping) of each permitted well and monitoring wells. These records will be submitted within 15 days after the end of each quarter.

When no valid water right exists in this well, the well must be plugged within 30 days from that point in time pursuant to NAC 534.420.

All of the above stated conditions are issued subject to having no adverse impact on existing rights.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 299.05 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

September 28, 2005

Proof of completion of work shall be filed on or before:

October 28, 2005

Water must be placed to beneficial use on or before:

September 28, 2006

Proof of the application of water to beneficial use shall be filed on or before:

October 28, 2006

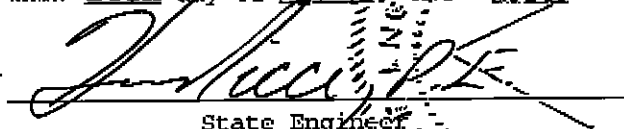
Map in support of proof of beneficial use shall be filed on or before:

October 28, 2006

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office

this 14th day of April, A.D. 2004


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

